

TON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

37

UNITED STATES OF AMERICA, et al., ex rel.
BRUCE BOISE,

PLAINTIFFS,

v.

CEPHALON, INC. and TEKADA
PHARMACEUTICALS, NORTH AMERICA,
INC.,

DEFENDANTS.

FILED

SEP 12 2013

MICHAEL E. KUNZ, Clerk
By [Signature] Dep. Clerk

CIVIL ACTION NO. 08-CV-0287

FILED UNDER SEAL

ORDER

The United States having declined, pursuant to the False Claims Act, 31 U.S.C.

§ 3730(b)(4)(B), to intervene in this action, the Court rules as follows:

IT IS ORDERED that only the Amended Complaint, including all exhibits, be unsealed and served upon the defendants.¹

IT IS FURTHER ORDERED that all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and the Government's Notice of Election to Decline Intervention, which relator shall serve upon the defendants only after service of the Amended Complaint. The seal shall be lifted as to all other matters occurring in this action after the date of this Order.

All Orders of this Court shall be sent to the United States, and the parties are further ordered to serve all pleadings and motions in this action, including supporting memoranda, and

¹ The government is declining to intervene in a related case that is before this Court, *United States, ex rel. John Does 1-3 v. Cephalon, Inc., et al.*, 09-CV-2926, and is simultaneously filing a separate notice of election to decline intervention in that matter.

all notices of appeal, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action at any time for good cause.

Should the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval. Any dismissal of this action, or any part of this action, shall be without prejudice as to the United States unless the United States consents to dismissal with prejudice.

IT IS SO ORDERED,

This 12th day of Sept., 2013.

BY THE COURT:

TH O'Neill
HONORABLE THOMAS N. O'NEILL, JR.
Judge, United States District Court

9/16/13 mail:
Kitcheruff Nohoke Gill
Matus Ellington Granston
Hutchison

ENTERED
SEP 12 2013
CLERK OF COURT